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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. JOSEPH SOLICE ABBATE, Defendant.	No. CR-11-00291 SBA STIPULATED REQUEST TO SET CHANGE OF PLEA AND SENTENCING ON MAY 28, 2012 AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT Date: February 27, 2012 Time: 10:00 a.m. Court: Hon. Saundra Brown Armstrong

The above-captioned matter is set on February 27, 2012 before this Court for a status hearing. The parties request that this Court vacate that date as to Mr. Abbate and set this matter for change of plea and sentencing on May 28, 2012 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and May 28, 2012.

The parties have reached an agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure and will submit the proposed plea agreement to the Court at the same time as this stipulation. To allow time for the Court to consider the proposed plea agreement and for the preparation of a Presentence Investigation Report by the United States Probation Office, the parties request that this matter be set on May 28, 2012 at 10:00 a.m. for change of plea and sentencing (assuming the proposed plea agreement is acceptable to the Court). Defendant agrees that the Court may review the pre-plea Presentence Investigation Report even though he has not yet pleaded guilty. Since the proposed plea agreement has been submitted to the Court, the parties further stipulate and agree that the time between February 24, 2012 and May 28, 2012 should be excluded under the Speedy Trial Act, and specifically pursuant to 18 U.S.C. § 3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be entered into by the defendant and the attorney for the government.

DATED: February 24, 2012

_______/s/____________________
JAMES C. MANN
Assistant United States Attorney
Counsel for United States

_____________/s/__________________
DAVID L. ANDERSEN
Counsel for Defendant

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. JOSEPH SOLICE ABBATE, Defendant.	No. CR-11-00291 SBA ORDER GRANTING STIPULATED REQUEST TO SET CHANGE OF PLEA AND SENTENCING ON MAY 28, 2012 AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT Date: February 27, 2012 Time: 10:00 a.m. Court: Hon. Saundra Brown Armstrong

The parties jointly requested that the February 27, 2012 status hearing as to Mr. Abbate be vacated and that this matter be set for change of plea and sentencing on May 28, 2012 at 10:00 a.m. The parties further requested that time be excluded under the Speedy Trial Act between February 24, 2012 and May 28, 2012 to allow time for the Court to consider the proposed plea agreement to be entered into by the defendant and the attorney for the government, and to allow time for the preparation of a Presentence Investigation Report by the United States Probation Office. Defendant agreed that the Court may review the pre-plea Presentence Investigation Report even though he has not yet pleaded guilty. Good cause appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(1)(G),

IT IS HEREBY ORDERED that this matter is set for change of plea and sentencing on May 30, 2012 at 10:00 a.m., and that time between February 24, 2012 and May 30, 2012 is excluded under the Speedy Trial Act, and specifically pursuant to 18 U.S.C. § 3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be entered into by the defendant and the attorney for the government.

IT IS FURTHER ORDERED that the United States Probation Office shall prepare a Presentence Investigation Report.

DATED:_2/27/12

Saundra B Armstrong
HON. SAUNDRA BROWN ARMSTRONG
United States District Judge